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DETAILED ACTION

1. In view of the pre-appeal filed on 3/30/09, PROSECUTION IS HEREBY REOPENED.

As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Dang Ton

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 9-10, 12, & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,680,952) in view of Schuster (U.S. Patent No.: 6,625,119)

Referring to claim 1, Berg teaches: communication network (Fig 1) providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a first media gateway controller per col. 5 lines 1-20) and provided with a first operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or first protocol)

A second media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a second media gateway controller per col. 5 lines 1-20) and provided with a same operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or second protocol)

And a gateway provides a relay function or messaging between each of said first and second media gateway controllers and the corresponding first and second gateways and virtual bear function for messaging between said first and second media gateway controllers (Each of the gateways 110 and 150 per Fig 1 receiving voice and signaling data and provide gateway address translation to the respective gateway controllers per col. 4 line 60 to col. 7 line 13 gateway. 120 provides message between 110 and 120 per Fig which are virtual bearer functions per col. 4 line 10 to col. 7 line 13)

Berg does not teach: gateway address translator incorporating proxies

Schuster teaches: gateway address translator incorporating proxies (address translation is provided by a server or gateway address translator or proxy per col. 1 line 63 to col. 2 line 52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add gateway address translator incorporating proxies of Schuster to the system of Berg in order for calls to be setup and completed.

Referring to claim 9, Berg teaches: a gateway address translator (The combination of the Media Gateway Controllers and Gateways, Packet network and 140, & 142 or address translator) for use in a communication network arrangement providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a first media gateway controller per col. 5 lines 1-20) and provided with a first

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operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or first protocol)

A second media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a second media gateway controller per col. 5 lines 1-20) and provided with a same operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or second protocol))

And a gateway provides a relay function or messaging between each of said first and second media gateway controllers and the corresponding first and second gateways and virtual bear function for messaging between said first and second media gateway controllers (Each of the gateways 110 and 150 per Fig 1 receiving voice and signaling data and provide gateway address translation to the respective gateway controllers per col. 4 line 60 to col. 7 line 13 gateway . 120 provides message between 110 and 120 per Fig which are virtual bearer functions per col. 4 line 10 to col. 7 line 13)

Berg does not teach: gateway address translator incorporating proxies

Schuster teaches: gateway address translator incorporating proxies (address translation is provided by a server or gateway address translator or proxy per col. 1 line 63 to col. 2 line 52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add gateway address translator incorporating proxies of Schuster to the system of Berg in order for calls to be setup and completed.

In addition Berg teaches:

Regarding claim 10, comprises software provided in machine readable form on a storage medium (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54)

Referring to claim 12, Berg teaches: a method (Fig 1 performs the method) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a first media gateway controller per col. 5 lines 1-20) controlling a first media gateway (110 per Fig 1) and provided with a first operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or first protocol)

a second media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a second media gateway controller per col. 5 lines 1-20) controlling a second gateway (150 per Fig 1) and provided with a same operating protocol (The media

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gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or second protocol)

the method comprising provision between said first and second gateways so as to provide a relay function for messaging between each for the first and second media gateway controllers (a plurality of media gateway controller or a first and second media gateway controller relay message or proxy from 110 first media gateway and from 150 second media gateway per and thus provided forwarding associated with a virtual bearer function per col. 4 line 10 to col. 7 line 13. 120 provides message between 110 and 120 per Fig 1 which are virtual bearer functions per col. 4 line 10 to col. 7 line 13) a first protocol utilized between the first media gateway controller and the first gateway and utilizing the same protocol between the second media gateway controller and the second gateway to provide virtual bear function for enabling message between the first and second media gateway controller (IP or first protocol is utilized to forward message and 120 provides message between 110 and 120 per Fig 1 which are virtual bearer functions per col. 4 line 10 to col. 7 line 13

Berg does not teach: gateway address translator incorporating proxies

Schuster teaches: gateway address translator incorporating proxies (address translation is provided by a server or gateway address translator or proxy per col. 1 line 63 to col. 2 line 52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add gateway address translator incorporating proxies of Schuster to the system of Berg in order for calls to be setup and completed.

Referring to claim 15, Berg teaches: software in machine readable form provided on a storage medium (120 per Fig 1 has instructions or software which are in readable form which executed on a CPU per col. 8 lines 14 to col. 9 line 5) and adapted to control deliver of voice over IP or voice over ATM services in a communications network arrangement (120 per Fig 1 controls voice over IP or voice over ATM per col. 5 lines 21 to col. 6 line 9) comprising a

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a first media gateway controller per col. 5 lines 1-20) controlling a first gateway (110 per Fig 1) and provided with a first operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or first protocol)

And a second media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a second media gateway controller per col. 5 lines 1-20) controlling a second gateway (150 per Fig 1) and provided with a second operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or second protocol) the software comprising:

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means for provisioning said first and second gateways so as to provide a relay function for messaging between said first and second gateways and messaging between said first and second gateways controllers and the corresponding one of the first and second gateways utilizing the corresponding protocols messaging utilizing the protocol of the media gateway (The CPU in each of the gateways 110 and 120 per Fig 1 has software which acts as a relay to forward messages between the first and second gateway controller (120 per Fig 1 which is made up of a plurality of gateway controllers per col. 5 lines 1-20.) the first and second gateways utilizing the same protocol (Figure 1 shows gateways utilizing IP protocol)

means for providing a virtual bearer function for enabling message between the first an second media gateway controller (gateway has processor for software or means to sets up bearer selection between 110 and 150 per col. 6 lines 30 to 35)

Berg does not teach: gateway address translator incorporating proxies

Schuster teaches: gateway address translator incorporating proxies (address translation is provided by a server or gateway address translator or proxy per col. 1 line 63 to col. 2 line 52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add gateway address translator incorporating proxies of Schuster to the system of Berg in order for calls to be setup and completed.

4. Claim 2-6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg

(U.S. Patent No.: 6,680,952) in view of Schuster (U.S. Patent No.: 6,625,119) further in view of

Tran (U.S. Patent No.: 6,667,968)

Referring to claim 2 the combination of Berg and Schuster teach: method of claim 1 and gateway address translator comprises gateway proxies for each of the first and second gateway

The combination of Berg and Schuster do not expressly call for: address translation for virtual gateway and one for each of said first and second media gateway controllers

Tran teaches: address translation for virtual gateway and one for each of said first and second media gateway controllers (address translation for a plurality of end points per col. 6 lines 10 to 34) .

It would have been obvious to one of ordinary skill in the art at the time of the invention to add address translation for virtual gateway and one for each of said first and second media gateway controllers of Tran to the system of the combination of Berg and Schuster in order for the gateway to have a single interface thereby forwarded data and signaling to the respective media gateway and media gateway controller.

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In addition Berg teaches:

Regarding claim 3, wherein the communication between media gateway controller is provided via signaling network (IP protocol is used for signaling network between the gateways per Fig 1)

Regarding claim 4, wherein the signaling network comprises common channel signaling 7 network (SS7 per co. 6 line 32)

Regarding claim 5, wherein the gateway address translator comprises software provided in machine readable form on a storage medium (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54)

Regarding claim 6, wherein said gateway address translator comprises a software application running one of said first and second media gateway controllers (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54 and there are a plurality of CPUs per col. 7 lines 17 to 25

Referring to claim 16, the combination of Berg and Schuster teach: the communications network arrangement as claimed in claim 1 and a first media gateway controller and a second media gateway controller

The combination of Berg and Schuster does not expressly call for: provisioning the address of one of the proxies instead of the gateway

Tran teaches: provisioning the address of one of the proxies instead of the gateway (address translation for a plurality of end points per col. 6 lines 10 to 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of Berg and Schuster in order for the gateway to have a single interface with the PBX and thereby forwarded data and signaling from the PBX to the respective media gateway and media gateway controller.

Referring to claim 17, the combination of Berg and Schuster teach: the gateway address translator as claimed in claim 9 and wherein the first one of the gateway proxies communicate with the first media gateway controller using the first operating protocol and a second one of the gateway proxies communicates with the second media gateway control using the second operating protocol and the first gateway proxy is provisioned in the first media gateway controller and the second gateway proxy is provisioned at the second media gateway controller

The combination of the Berg and Schuster do not expressly call for: proxy address provisioned in a media gateway controller

Tran teaches: proxy address provisioned in a media gateway controller

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(address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of Berg in order for the gateway and Schuster to have a single interface and thereby forwarded data and signaling to the respective media gateway and media gateway controller.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,680,952) in view of Schuster (U.S. Patent No.: 6,625,119) further in view of Buhrke (U.S. Patent No.: 5,231,631)

Referring to claim 7, the combination of Berg and Schuster teach: a communication network arrangement as claimed in claim 1 and at least a first and second media gateway controller pair.

The combination of Berg and Schuster do not expressly call for: separate ingress and egress functions

Buhrke teaches: distributed controller providing separate ingress and egress (ingress controller and egress controller which are separate terminal adapters per col. 2 lines 1 to 29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the separate ingress and egress controllers of Buhrke in place of the single controller of the combination of Berg and Schuster in order to increase throughput by utilizing parallel processing.

6. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,680,952) in view of Schuster (U.S. Patent No.: 6,625,119) in view of Buhrke (U.S. Patent No.: 5,231,631) further in view of Coffee (U.S. Patent No.: 6,931,111)

Referring to claim 8, the combination of Berg, Schuster, and Buhrke teach: a communication arrangement of claim 7 and a 1st and second media gateway controller

The combination of Berg, Schuster, and Buhrke do not expressly call for: gateway constituted by a softswitch.

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Coffee teaches: gateway constituted by a softswitch (media gateway is a softswitch per col. 7 lines 17 to 31)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the softswitch capability of Coffee to the media gateway controller of the combination of Berg, Schuster, and Buhrke because by implementing the media controller as a softswitch makes it easier to update and improve the switching capability through software upgrades.

In addition Berg teaches:

Regarding claim 11, and incorporated in one of the first and second media gateway controllers (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54. This software is associated with the many CPU one which is associated with a media gateway controller)

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,674,713) in view of Kamarczyk (U.S. Patent No.: 6,950,441)

Referring to claim 13, Berg teaches: a method of interfacing media gateway controller and media gateways having different operating protocol in a communication network arrangement (Figure 1A shows a MGC interfacing with a MG where the local address for interfacing is stored in a memory in both the MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services (VoIP or ATM per col. 5 line 59 to 67) the method comprising:

Creating an address associated with the media gateway (The MGC has an address for the media gateway per col. 6 line 30 to 39)

Using the address to communicate with the respective MGC using respective operating protocol (local address used per col. 6 line 30 -39 while utilizing a signaling or operating protocol per col. 6 lines 1 to 10) where the MGC are provisioned with corresponding address of MG (local address per col. 6 line 29 to 39)

Berg does not expressly call for: creating software proxies or provisioning of software proxy

Kamarczyk teaches: creating software proxies (Gateway is implemented in softswitch or software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and provisioning software address of the proxies (Gateway is implemented in software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the creating software proxies or provisioning of software proxy

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of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,680,952) in view of Tran (U.S. Patent No.: 6,667,968)

Referring to claim 14, Berg teaches: a communication network arrangement (The combination of 110, 140, 120, 142 150, & 130 per Fig 1 or communication network arrangement) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) and incorporating a plurality of media gateways and media gateway controller (110 and 150 per Fig 1 are a plurality of media gateways and 120 per Fig 1 can be implemented as multiple media gateway controllers per col. 5 lines 1-20) wherein the media gateway controllers have different operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or different protocol) and wherein communication between said media gateways and media gateway controllers are relayed whereby each pair of said media gateway and media gateway controller send and receive communication using one of the different operating protocols (communication between 110 and 150 per Fig 1 or media gateways is relayed through the media gateway controllers 120 per Fig 1 and the media gateway controller have a protocol converter or different operating protocols) and the media gateway controller are provisioned with corresponding address (120 per Fig 1 use inherent addresses)

Berg does not expressly call: proxy addresses rather than corresponding addresses

Tran teaches: proxy addresses rather than corresponding addresses (address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add proxy addresses rather than corresponding addresses of Tran into the media gateways of Berg in order for the gateway to have a single interface and thereby forwarded data and signaling from the respective media gateway and media gateway controller.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 9, 12, 15, ; what is meant by “a first media gateway controller controlling a first gateway and provided with a first operating protocol” and a second media gateway controller controlling a second gateway and provided with a second different operating protocol”? These limitations are indefinite and unclear because the examiner cannot determine if the first operating protocol is in the first media gateway controller or the first gateway and the examiner cannot determine if the second different operating protocol applies to the second media gateway controller or the second gateway.

Referring to claim 13, what is meant by “creating software proxies of said media gateways, said software proxies communicating with respective one of said media gateway controller”? Does this mean that software program which performs proxy is being created?

Referring to claim 14, what is meant by said media gateway and said media gateway controller? Is the applicant referring back to the plurality of media gateway and media gateway controller? This claim is also indefinite because the examiner cannot determine what is preamble and what is claim limitation. What is meant by using a corresponding one of the different protocols? Does this mean that each media gateway and each media gateway controller utilized a different protocol?

Referring to claim 15, it is unclear whether applicant is claiming software, storage medium, or hardware because the claims are in the form of means for. For purpose of examination the examiner is going to assume that the applicant is claiming software. Also the examiner cannot determine the structure for means for provisioning and means for providing so the metes and the bounds cannot be assessed.

Specification

11. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood:

12. First the examiner cannot understand what is meant by the following abbreviations which are never defined in the whole application: PTT/AO, SGCP, IPDC, MGCP, MEGACO, CCS7, SDP and ICE on pages 1 and 2 of applicant specification.

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13. Second the examiner cannot determine what is meant by "a first media gateway controller controlling a first gateway provided with a first operating protocol, a second media gateway controller controlling a second gateway and provided with a second operating protocol." On Pg 3 lines 20 to 30 and also on Pg 4 lines 4 to 15, and Pg 4 lines 18 to 35 It is unclear whether the operating protocol is in the media gateway or in the media gateway controller.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 13 and 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 13, this claim is directed to a method of creating a software proxy which the examiner has interpreted as a method of creating a program. A program is non-statutory subject matter.

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Referring to claim 15, this claim is directed to software which has means for provisioning and means for providing which the examiner has interpreted two different software modules.

Software or program per se is no-statutory subject matter.

Response to Amendment

15. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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